THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19795 OF 2001

Dated: 10th AUGUST, 2006.

Between:

Lakshmi Wines, Charla, rep. by its Licensee
P. Radha Krishna Murthy … Petitioner

And

1. The Commissioner of Prohibition & Excise,
   Government of A.P., Hyderabad and
   Another. … Respondents

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WRIT PETITION NO.19795 OF 2001

ORDER :

This writ petition is filed questioning the action of the respondents in not granting remission of licence fee for the period from 1-4-2001 to 17-5-2001 to the tune of Rs.36,000/-. The petitioner was granted a retail licence for the sale of Indian made and Foreign liquor in Form IL-24 at Charla, Khammam District. Whereas the period of licence commenced from 1-4-2001, the petitioner could commence the business only on 18-5-2001 since the shop was allotted in his favour only on 11-5-2001. Hence, the petitioner made an application seeking remission of licence fee for the period from 1-4-2001 to 17-5-2001 i.e., for a period of 46 days from 1-4-2001. Contending the said request has not been considered by the respondents, this writ petition is filed.

In the counter-affidavit filed on behalf of the respondents, it is stated that having voluntarily participated in the auction irrespective of the period of operation of licence fee, it is not open to the petitioner to seek remission for the period of 46 days during which period he did not carry on the business.

An identical question has been considered by a Full Bench of this Court in SRI NARSIMHA WINES v. PROHIBITION AND EXCISE SUPERINTENDENT[1]. The Full Bench having considered the scope and object of Rule 25 (9) of the A.P. Indian Liquor and Foreign Liquor Rules, 1970 which provides for the annual licence fee payable for licence in Form IL-24 held that the grant of licence is a matter of

contract between the Government and the party and no Writ of Mandamus can be issued directing the authorities to grant remission for the period during which no business was carried on. The Full Bench had also upheld the validity of sub-rule (9) of Rule 25 of the Rules.

The issue involved in this writ petition is squarely covered by the ratio laid down by the Full Bench in the above decision. Hence, the relief as prayed for cannot be granted.

Accordingly, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 10-08-2006

gbs

[1] 2001 (6) ALT 240 (F.B.)